

NOV 21 2006



**HAMRE, SCHUMANN,  
MUELLER & LARSON, P.C.**

AN INTERNATIONAL INTELLECTUAL PROPERTY LAW FIRM

FAX TRANSMISSION

November 21, 2006

TO: Mail Stop: ISSUE FEE  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

FROM: Douglas P. Mueller

OUR REF: 10873.0882USWO

TELEPHONE: (612) 455.3800

Total pages, including cover letter:

8

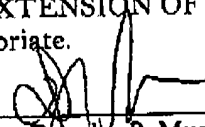
PTO FAX NUMBER: 571.273.8300

If all pages are NOT received, please call us at 612.455.3800 or fax us at 612.455.3801.

Title of Document: **REQUEST FOR WITHDRAWAL OF HOLDING OF  
ABANDONMENT**


Applicant: AIKOH ET AL.  
Serial No.: 10/089409  
App. Filed: March 28, 2002  
Group Art No.: 2627

Please charge any additional fees or credit overpayment to Deposit Account No. 50-3478. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By:   
Name: Douglas P. Mueller  
Reg. No.: 30,300

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Gina M. Dahl

  
Signature

November 21, 2006  
Date

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NOV 21 2006

S/N 10/089,409

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	AIKOH, et al.	Examiner:	DINH
Serial No.:	10/089,409	Group Art Unit:	2627
Filed:	MARCH 28, 2002	Docket No.:	10873.0882USWO
Title:	MAGNETO-OPTICAL DISK WITH PROTECTIVE LAYER, AND OPTICAL DISK DEVICE		

CERTIFICATE UNDER 37 CFR 1.6(d):

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark office on  
November 21, 2006.

By:   
Name: Gina Dahl

REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

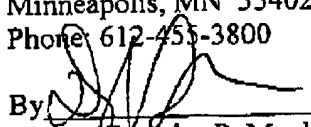
Applicants hereby request withdrawal of the holding of abandonment in this case. A reply to the Notice of Allowance was filed by the undersigned via facsimile on August 10, 2006. The reply included instructions to charge the Issue Fee to Deposit Account 50-3478. Therefore, the case should not be considered abandoned and should proceed to issue. A copy of the Notice of Abandonment is enclosed, along with copies of the papers that were filed and the PTO Auto-Reply Facsimile Transmission.

As the Notice of Abandonment was issued erroneously, no fee should be required to reinstate the application. However, any additional fees can be charged to Deposit Account No. 50-3478.

Respectfully submitted,

Hamre, Schumann,  
Mueller & Larson, P.C.  
P.O. Box 2902-0902  
Minneapolis, MN 55402  
Phone 612-455-3800

Date: November 21, 2006

By:   
Name: Douglas P. Mueller  
Reg. No. 30,300  
Customer No. 53148

USPTO 8/10/2006 3:31 PM PAGE 1/001 Fax Server  
 TO: Auto-reply fax to 612-455-3801 COMPANY:

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## Auto-Reply Facsimile Transmission



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Fax Information

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2 (including cover page)

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Received  
 Cover  
 Page

08/10/2006 14:18	612-455-3801	HSM, P.C.	PAGE 01/02
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**HAMRE, SCHUMANN,  
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 AN INTERNATIONAL INTELLECTUAL PROPERTY LAW FIRM

FAX TRANSMISSION August 9, 2006

TO: Mail Stop: ISSUES FREE Copyright Clearance Center PO Box 1450 Alexandria, VA 22313-1450	FROM: Douglas P. Mueller OUR REP: 10873.03821.SWO TELEPHONE: (612) 455-3800
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Total pages, including cover letter: 2

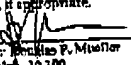
PTO FAX NUMBER: 571.273.2883

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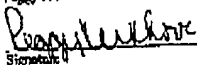
Title of Document: Part B - Fee Transmittal

Applicant: ANKOM, et al.  
 Serial No.: 10/089,409  
 App. Filed: March 28, 2002  
 Group Art No.: 2527  
 Confirmation No.: 4963

Please charge Deposit Account No. 50-0478 in the amount of \$1400 for payment of the Issue Fee. Please charge any additional fee or credit overpayment to Deposit Account No. 50-0478. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By:   
 Name: Douglas P. Mueller  
 Reg. No.: 30,300

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Peggy J. Kerkove  
  
 Signature

August 9, 2006  
 Date

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PAGE 01/02 RCVD AT 8/10/2006 22:05 PM [Eastern Daylight Time] SVR:USPTO-EFXXF-2/8 \* DNIS:2738300 \* CSID:612-455-3801 \* DURATION (mm:ss):02:54

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FAX TRANSMISSION August 9, 2006

TO: Mail Stop: ISSUE FEE  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

FROM: Douglas P. Mueller

OUR REF: 10873.0882USWO

TELEPHONE: (612) 455.3800

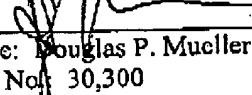
Total pages, including cover letter: 2

PTO FAX NUMBER: 571.273.2885

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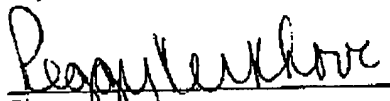
Title of Document: **Part B - Fee Transmittal**Applicant: AIKOH, et al.  
Serial No.: 10/089,409  
App. Filed: March 28, 2002  
Group Art No.: 2627  
Confirmation No.: 4963

Please charge Deposit Account No. 50-3478 in the amount of \$1400 for payment of the Issue Fee. Please charge any additional fees or credit overpayment to Deposit Account No. 50-3478. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By:   
Name: Douglas P. Mueller  
Reg. No.: 30,300

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Peggy J. Kerkhove

  
SignatureAugust 9, 2006  
Date

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## PART B - FEE(S) TRANSMITTAL

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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or **Fax** (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, Advance Order and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

53148

7590

07/10/2006

HAMRE, SCHUMANN, MUELLER & LARSON P.C.  
P.O. BOX 2902-0902  
MINNEAPOLIS, MN 55402

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Peggy Kerkhove

(Depositor's name)

*Peggy Kerkhove*

(Signature)

August 10, 2006

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,409	03/28/2002	Hideki Aikoh	10873.882USWO	4963

TITLE OF INVENTION: OPTICAL DISK AND OPTICAL DISK DEVICE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$0	\$1400	10/10/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
DINH, TAN X	2627	369-013020

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.563).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Hamre, Schumann.

2. Mueller &amp; Larson, P.C.

3.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Matsushita Electric Industrial Co., Ltd.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Osaka, Japan

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee  
☒ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 50-3478 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(a)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Douglas P. Mueller

Date August 10, 2006

Registration No. 30,300

Typed or printed name

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,409	03/28/2002	Hidcki Ajkoh	10873.882USWO	4963
53148	7590	11/15/2006	EXAMINER	
HAMRE, SCHUMANN, MUELLER & LARSON P.C.			DINH, TAN X	
P.O. BOX 2902-0902			ART UNIT	PAPER NUMBER
MINNEAPOLIS, MN 55402			2627	



DATE MAILED: 11/15/2006

Petition: 11/29/2006  
(Stat: 1/15/2007)

Please find below and/or attached an Office communication concerning this application or proceeding.

NOV 21 2006

<b>Notice of Abandonment</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/089,409	Hideki Aikoh	
	<b>Examiner</b>	<b>Art Unit</b>	
	DINH, TAN X	2627	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

AG

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Part of Paper No. 0

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## Attachment to Notice of Abandonment

**For questions concerning the notice contact  
Office of Patent Publication  
Image Assistance Center: 888-786-0101.**

Information is also available on the USPTO Internet web site:  
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

### Respond to the Notice of Abandonment by one of the following:

**1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 571-273-8300

**2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and re-mail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 571-273-8300

**3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
By facsimile: 571-273-8300

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment